

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-11.2

§ 50-11.2. Judgment provisions pertaining to care, custody, tuition and maintenance of minor children

Currentness

Where the court has the requisite jurisdiction and upon proper pleadings and proper and due notice to all interested parties the judgment in a divorce action may contain such provisions respecting care, custody, tuition and maintenance of the minor children of the marriage as the court may adjudge; and from time to time such provisions may be modified upon due notice and hearing and a showing of a substantial change in condition; and if there be no minor children, the judgment may so state. The jurisdictional requirements of [G.S. 50A-201](#), [50A-203](#), or [50A-204](#) shall apply in regard to a custody decree.

Credits

Added by Laws 1973, c. 927, § 1. Amended by Laws 1979, c. 110, § 11; [S.L. 1999-223, § 10, eff. Oct. 1, 1999](#).

[Notes of Decisions \(2\)](#)

N.C.G.S.A. § 50-11.2, NC ST § 50-11.2

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.1

§ 50-13.1. Action or proceeding for custody of minor child

Effective: September 15, 2011

[Currentness](#)

(a) Any parent, relative, or other person, agency, organization or institution claiming the right to custody of a minor child may institute an action or proceeding for the custody of such child, as hereinafter provided. Any person whose actions resulted in a conviction under [G.S. 14-27.2](#) or [G.S. 14-27.3](#) and the conception of the minor child may not claim the right to custody of that minor child. Unless a contrary intent is clear, the word “custody” shall be deemed to include custody or visitation or both.

(a1) Notwithstanding any other provision of law, any person instituting an action or proceeding for custody ex parte who has been convicted of a sexually violent offense as defined in [G.S. 14-208.6\(5\)](#) shall disclose the conviction in the pleadings.

(b) Whenever it appears to the court, from the pleadings or otherwise, that an action involves a contested issue as to the custody or visitation of a minor child, the matter, where there is a program established pursuant to [G.S. 7A-494](#), shall be set for mediation of the unresolved issues as to custody and visitation before or concurrent with the setting of the matter for hearing unless the court waives mediation pursuant to subsection (c). Issues that arise in motions for contempt or for modifications as well as in other pleadings shall be set for mediation unless mediation is waived by the court. Alimony, child support, and other economic issues may not be referred for mediation pursuant to this section. The purposes of mediation under this section include the pursuit of the following goals:

- (1) To reduce any acrimony that exists between the parties to a dispute involving custody or visitation of a minor child;
- (2) The development of custody and visitation agreements that are in the child's best interest;
- (3) To provide the parties with informed choices and, where possible, to give the parties the responsibility for making decisions about child custody and visitation;
- (4) To provide a structured, confidential, nonadversarial setting that will facilitate the cooperative resolution of custody and visitation disputes and minimize the stress and anxiety to which the parties, and especially the child, are subjected; and
- (5) To reduce the relitigation of custody and visitation disputes.

(c) For good cause, on the motion of either party or on the court's own motion, the court may waive the mandatory setting under Article 39A of Chapter 7A of the General Statutes of a contested custody or visitation matter for mediation. Good cause may include, but is not limited to, the following: a showing of undue hardship to a party; an agreement between the parties for

voluntary mediation, subject to court approval; allegations of abuse or neglect of the minor child; allegations of alcoholism, drug abuse, or domestic violence between the parents in common; or allegations of severe psychological, psychiatric, or emotional problems. A showing by either party that the party resides more than fifty miles from the court may be considered good cause.

(d) Either party may move to have the mediation proceedings dismissed and the action heard in court due to the mediator's bias, undue familiarity with a party, or other prejudicial ground.

(e) Mediation proceeding shall be held in private and shall be confidential. Except as provided in this Article, all verbal or written communications from either or both parties to the mediator or between the parties in the presence of the mediator made in a proceeding pursuant to this section are absolutely privileged and inadmissible in court. The mediator may assess the needs and interests of the child, and may interview the child or others who are not parties to the proceedings when he or she thinks appropriate.

(f) Neither the mediator nor any party or other person involved in mediation sessions under this section shall be competent to testify to communications made during or in furtherance of such mediation sessions; provided, there is no privilege as to communications made in furtherance of a crime or fraud. Nothing in this subsection shall be construed as permitting an individual to obtain immunity from prosecution for criminal conduct or as excusing an individual from the reporting requirements of Article 3 of Chapter 7B of the General Statutes or [G.S. 108A-102](#).

(g) Any agreement reached by the parties as a result of the mediation shall be reduced to writing, signed by each party, and submitted to the court as soon as practicable. Unless the court finds good reason not to, it shall incorporate the agreement in a court order and it shall become enforceable as a court order. If some or all of the issues as to custody or visitation are not resolved by mediation, the mediator shall report that fact to the court.

(h) If an agreement that results from mediation and is incorporated into a court order is referred to as a “parenting agreement” or called by some similar name, it shall nevertheless be deemed to be a custody order or child custody determination for purposes of Chapter 50A of the General Statutes, [G.S. 14-320.1](#), [G.S. 110-139.1](#), or other places where those terms appear.

(i) If the child whose custody is the subject of an action under this Chapter also is the subject of a juvenile abuse, neglect, or dependency proceeding pursuant to Subchapter 1 of Chapter 7B of the General Statutes, then the custody action under this Chapter is stayed as provided in [G.S. 7B-200](#).

Credits

Added by Laws 1967, c. 1153, § 2. Amended by Laws 1989, c. 795, § 15(b); [S.L. 1998-202, § 13\(p\)](#), eff. July 1, 1999; [S.L. 2004-128, § 10](#), eff. Dec. 1, 2004; [S.L. 2005-320, § 5](#), eff. Oct. 1, 2005; [S.L. 2005-423, § 4](#), eff. Oct. 1, 2005; [S.L. 2007-462, § 1](#), eff. Oct. 1, 2007; [S.L. 2011-411, § 4](#), eff. Sept. 15, 2011.

[Notes of Decisions \(115\)](#)

N.C.G.S.A. § 50-13.1, NC ST § 50-13.1

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.2

§ 50-13.2. Who entitled to custody; terms of custody; visitation rights of grandparents; taking child out of State

Effective: December 1, 2012 to September 30, 2013

[Currentness](#)

<Text of section eff. until Oct. 1, 2013. See, also, section eff. Oct. 1, 2013.>

(a) An order for custody of a minor child entered pursuant to this section shall award the custody of such child to such person, agency, organization or institution as will best promote the interest and welfare of the child. In making the determination, the court shall consider all relevant factors including acts of domestic violence between the parties, the safety of the child, and the safety of either party from domestic violence by the other party and shall make findings accordingly. An order for custody must include findings of fact which support the determination of what is in the best interest of the child. Between the mother and father, whether natural or adoptive, no presumption shall apply as to who will better promote the interest and welfare of the child. Joint custody to the parents shall be considered upon the request of either parent.

(b) An order for custody of a minor child may grant joint custody to the parents, exclusive custody to one person, agency, organization, or institution, or grant custody to two or more persons, agencies, organizations, or institutions. Any order for custody shall include such terms, including visitation, as will best promote the interest and welfare of the child. If the court finds that domestic violence has occurred, the court shall enter such orders that best protect the children and party who were the victims of domestic violence, in accordance with the provisions of [G.S. 50B-3\(a1\)\(1\), \(2\), and \(3\)](#). If a party is absent or relocates with or without the children because of an act of domestic violence, the absence or relocation shall not be a factor that weighs against the party in determining custody or visitation. Absent an order of the court to the contrary, each parent shall have equal access to the records of the minor child involving the health, education, and welfare of the child.

(b1) An order for custody of a minor child may provide visitation rights for any grandparent of the child as the court, in its discretion, deems appropriate. As used in this subsection, "grandparent" includes a biological grandparent of a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and where parental rights of both biological parents have been terminated, be entitled to visitation rights.

(b2) Any order for custody, including visitation, may, as a condition of such custody or visitation, require either or both parents, or any other person seeking custody or visitation, to abstain from consuming alcohol and may require submission to a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, to verify compliance with this condition of custody or visitation. Any order pursuant to this subsection shall include an order to the monitoring provider to report any violation of the order to the court and each party to the action. Failure to comply with this condition shall be grounds for civil or criminal contempt.

(c) An order for custody of a minor child may provide for such child to be taken outside of the State, but if the order contemplates the return of the child to this State, the judge may require the person, agency, organization or institution having custody out

of this State to give bond or other security conditioned upon the return of the child to this State in accordance with the order of the court.

(d) If, within a reasonable time, one parent fails to consent to adoption pursuant to Chapter 48 of the General Statutes or parental rights have not been terminated, the consent of the other consenting parent shall not be effective in an action for custody of the child.

(e) An order for custody of a minor child may provide for visitation rights by electronic communication. In granting visitation by electronic communication, the court shall consider the following:

- (1) Whether electronic communication is in the best interest of the minor child.
- (2) Whether equipment to communicate by electronic means is available, accessible, and affordable to the parents of the minor child.
- (3) Any other factor the court deems appropriate in determining whether to grant visitation by electronic communication.

The court may set guidelines for electronic communication, including the hours in which the communication may be made, the allocation of costs between the parents in implementing electronic communication with the child, and the furnishing of access information between parents necessary to facilitate electronic communication. Electronic communication with a minor child may be used to supplement visitation with the child. Electronic communication may not be used as a replacement or substitution for custody or visitation. The amount of time electronic communication is used shall not be a factor in calculating child support or be used to justify or support relocation by the custodial parent out of the immediate area or the State. Electronic communication between the minor child and the parent may be subject to supervision as ordered by the court. As used in this subsection, "electronic communication" means contact, other than face-to-face contact, facilitated by electronic means, such as by telephone, electronic mail, instant messaging, video conferencing, wired or wireless technologies by Internet, or other medium of communication.

Credits

Added by Laws 1967, c. 1153, § 2. Amended by Laws 1977, c. 501, § 2; Laws 1979, c. 967; Laws 1981, c. 735, §§ 1, 2; Laws 1985, c. 575, § 3; Laws 1987, c. 541, § 2; Laws 1987, c. 776; [Laws 1995 \(Reg. Sess., 1996\), c. 591, § 5, eff. Oct. 1, 1996](#); [S.L. 2004-186, § 17.1, eff. Oct. 1, 2004](#); [S.L. 2009-314, § 1, eff. July 17, 2009](#); [S.L. 2012-146, § 10, eff. Dec. 1, 2012](#).

[Notes of Decisions \(452\)](#)

N.C.G.S.A. § 50-13.2, NC ST § 50-13.2

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N.C.G.S.A. § 50-13.2A

§ 50-13.2A. Action for visitation of an adopted grandchild

[Currentness](#)

A biological grandparent may institute an action or proceeding for visitation rights with a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and where parental rights of both biological parents have been terminated, be entitled to visitation rights. A court may award visitation rights if it determines that visitation is in the best interest of the child. An order awarding visitation rights shall contain findings of fact which support the determination by the judge of the best interest of the child. Procedure, venue, and jurisdiction shall be as in an action for custody.

Credits

Added by Laws 1985, c. 575, § 2.

[Notes of Decisions \(8\)](#)

N.C.G.S.A. § 50-13.2A, NC ST § 50-13.2A

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.3

§ 50-13.3. Enforcement of order for custody

Currentness

(a) An order providing for the custody of a minor child is enforceable by proceedings for civil contempt, and its disobedience may be punished by proceedings for criminal contempt, as provided in Chapter 5A, Contempt, of the General Statutes.

Notwithstanding the provisions of [G.S. 1-294](#), an order pertaining to child custody which has been appealed to the appellate division is enforceable in the trial court by proceedings for civil contempt during the pendency of the appeal. Upon motion of an aggrieved party, the court of the appellate division in which the appeal is pending may stay any order for civil contempt entered for child custody until the appeal is decided, if justice requires.

(b) Any court of this State having jurisdiction to make an award of custody of a minor child in an action or proceeding therefor, shall have the power of injunction in such action or proceeding as provided in Article 37 of Chapter 1 of the General Statutes and [G.S. 1A-1, Rule 65](#).

Credits

Added by Laws 1967, c. 1153, § 2. Amended by Laws 1969, c. 895, § 16; Laws 1977, c. 711, § 26; Laws 1983, c. 530, § 2.

[Notes of Decisions \(28\)](#)

N.C.G.S.A. § 50-13.3, NC ST § 50-13.3

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.4

§ 50-13.4. Action for support of minor child

Effective: October 1, 2012

[Currentness](#)

(a) Any parent, or any person, agency, organization or institution having custody of a minor child, or bringing an action or proceeding for the custody of such child, or a minor child by his guardian may institute an action for the support of such child as hereinafter provided.

(b) In the absence of pleading and proof that the circumstances otherwise warrant, the father and mother shall be primarily liable for the support of a minor child. In the absence of pleading and proof that the circumstances otherwise warrant, parents of a minor, unemancipated child who is the custodial or noncustodial parent of a child shall share this primary liability for their grandchild's support with the minor parent, the court determining the proper share, until the minor parent reaches the age of 18 or becomes emancipated. If both the parents of the child requiring support were unemancipated minors at the time of the child's conception, the parents of both minor parents share primary liability for their grandchild's support until both minor parents reach the age of 18 or become emancipated. If only one parent of the child requiring support was an unemancipated minor at the time of the child's conception, the parents of both parents are liable for any arrearages in child support owed by the adult or emancipated parent until the other parent reaches the age of 18 or becomes emancipated. In the absence of pleading and proof that the circumstances otherwise warrant, any other person, agency, organization or institution standing in loco parentis shall be secondarily liable for such support. Such other circumstances may include, but shall not be limited to, the relative ability of all the above-mentioned parties to provide support or the inability of one or more of them to provide support, and the needs and estate of the child. The judge may enter an order requiring any one or more of the above-mentioned parties to provide for the support of the child as may be appropriate in the particular case, and if appropriate the court may authorize the application of any separate estate of the child to his support. However, the judge may not order support to be paid by a person who is not the child's parent or an agency, organization or institution standing in loco parentis absent evidence and a finding that such person, agency, organization or institution has voluntarily assumed the obligation of support in writing. The preceding sentence shall not be construed to prevent any court from ordering the support of a child by an agency of the State or county which agency may be responsible under law for such support.

The judge may order responsible parents in a IV-D establishment case to perform a job search, if the responsible parent is not incapacitated. This includes IV-D cases in which the responsible parent is a noncustodial mother or a noncustodial father whose affidavit of parentage has been filed with the court or when paternity is not at issue for the child. The court may further order the responsible parent to participate in work activities, as defined in [42 U.S.C. § 607](#), as the court deems appropriate.

(c) Payments ordered for the support of a minor child shall be in such amount as to meet the reasonable needs of the child for health, education, and maintenance, having due regard to the estates, earnings, conditions, accustomed standard of living of the child and the parties, the child care and homemaker contributions of each party, and other facts of the particular case. Payments ordered for the support of a minor child shall be on a monthly basis, due and payable on the first day of each month. The requirement that orders be established on a monthly basis does not affect the availability of garnishment of disposable earnings based on an obligor's pay period.

The court shall determine the amount of child support payments by applying the presumptive guidelines established pursuant to subsection (c1) of this section. However, upon request of any party, the Court shall hear evidence, and from the evidence, find the facts relating to the reasonable needs of the child for support and the relative ability of each parent to provide support. If, after considering the evidence, the Court finds by the greater weight of the evidence that the application of the guidelines would not meet or would exceed the reasonable needs of the child considering the relative ability of each parent to provide support or would be otherwise unjust or inappropriate the Court may vary from the guidelines. If the court orders an amount other than the amount determined by application of the presumptive guidelines, the court shall make findings of fact as to the criteria that justify varying from the guidelines and the basis for the amount ordered.

Payments ordered for the support of a child shall terminate when the child reaches the age of 18 except:

- (1) If the child is otherwise emancipated, payments shall terminate at that time;
- (2) If the child is still in primary or secondary school when the child reaches age 18, support payments shall continue until the child graduates, otherwise ceases to attend school on a regular basis, fails to make satisfactory academic progress towards graduation, or reaches age 20, whichever comes first, unless the court in its discretion orders that payments cease at age 18 or prior to high school graduation.
- (3) If the child is enrolled in a cooperative innovative high school program authorized under Part 9 of Article 16 of Chapter 115C of the General Statutes, then payments shall terminate when the child completes his or her fourth year of enrollment or when the child reaches the age of 18, whichever occurs later.

In the case of graduation, or attaining age 20, payments shall terminate without order by the court, subject to the right of the party receiving support to show, upon motion and with notice to the opposing party, that the child has not graduated or attained the age of 20.

If an arrearage for child support or fees due exists at the time that a child support obligation terminates, payments shall continue in the same total amount that was due under the terms of the previous court order or income withholding in effect at the time of the support obligation. The total amount of these payments is to be applied to the arrearage until all arrearages and fees are satisfied or until further order of the court.

(c1) Effective July 1, 1990, the Conference of Chief District Judges shall prescribe uniform statewide presumptive guidelines for the computation of child support obligations of each parent as provided in Chapter 50 or elsewhere in the General Statutes and shall develop criteria for determining when, in a particular case, application of the guidelines would be unjust or inappropriate. Prior to May 1, 1990 these guidelines and criteria shall be reported to the General Assembly by the Administrative Office of the Courts by delivering copies to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The purpose of the guidelines and criteria shall be to ensure that payments ordered for the support of a minor child are in such amount as to meet the reasonable needs of the child for health, education, and maintenance, having due regard to the estates, earnings, conditions, accustomed standard of living of the child and the parties, the child care and homemaker contributions of each party, and other facts of the particular case. The guidelines shall include a procedure for setting child support, if any, in a joint or shared custody arrangement which shall reflect the other statutory requirements herein.

Periodically, but at least once every four years, the Conference of Chief District Judges shall review the guidelines to determine whether their application results in appropriate child support award amounts. The Conference may modify the guidelines accordingly. The Conference shall give the Department of Health and Human Services, the Administrative Office of the Courts, and the general public an opportunity to provide the Conference with information relevant to the development and review of

the guidelines. Any modifications of the guidelines or criteria shall be reported to the General Assembly by the Administrative Office of the Courts before they become effective by delivering copies to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The guidelines, when adopted or modified, shall be provided to the Department of Health and Human Services and the Administrative Office of the Courts, which shall disseminate them to the public through local IV-D offices, clerks of court, and the media.

Until July 1, 1990, the advisory guidelines adopted by the Conference of Chief District Judges pursuant to this subsection as formerly written shall operate as presumptive guidelines and the factors adopted by the Conference of Chief District Judges pursuant to this subsection as formerly written shall constitute criteria for varying from the amount of support determined by the guidelines.

(d) In non-IV-D cases, payments for the support of a minor child shall be ordered to be paid to the person having custody of the child or any other proper person, agency, organization or institution, or to the State Child Support Collection and Disbursement Unit, for the benefit of the child. In IV-D cases, payments for the support of a minor child shall be ordered to be paid to the State Child Support Collection and Disbursement Unit for the benefit of the child.

(d1) For child support orders initially entered on or after January 1, 1994, the immediate income withholding provisions of [G.S. 110-136.5\(c1\)](#) shall apply.

(e) Payment for the support of a minor child shall be paid by lump sum payment, periodic payments, or by transfer of title or possession of personal property of any interest therein, or a security interest in or possession of real property, as the court may order. The court may order the transfer of title to real property solely owned by the obligor in payment of arrearages of child support so long as the net value of the interest in the property being transferred does not exceed the amount of the arrearage being satisfied. In every case in which payment for the support of a minor child is ordered and alimony or postseparation support is also ordered, the order shall separately state and identify each allowance.

(e1) In IV-D cases, the order for child support shall provide that the clerk shall transfer the case to another jurisdiction in this State if the IV-D agency requests the transfer on the basis that the obligor, the custodian of the child, and the child do not reside in the jurisdiction in which the order was issued. The IV-D agency shall provide notice of the transfer to the obligor by delivery of written notice in accordance with the notice requirements of Chapter 1A-1, [Rule 5\(b\) of the Rules of Civil Procedure](#). The clerk shall transfer the case to the jurisdiction requested by the IV-D agency, which shall be a jurisdiction in which the obligor, the custodian of the child, or the child resides. Nothing in this subsection shall be construed to prevent a party from contesting the transfer.

(f) Remedies for enforcement of support of minor children shall be available as herein provided.

(1) The court may require the person ordered to make payments for the support of a minor child to secure the same by means of a bond, mortgage or deed of trust, or any other means ordinarily used to secure an obligation to pay money or transfer property, or by requiring the execution of an assignment of wages, salary or other income due or to become due.

(2) If the court requires the transfer of real or personal property or an interest therein as provided in subsection (e) as a part of an order for payment of support for a minor child, or for the securing thereof, the court may also enter an order which shall transfer title as provided in [G.S. 1A-1, Rule 70](#) and [G.S. 1-228](#).

- (3) The remedy of arrest and bail, as provided in Article 34 of Chapter 1 of the General Statutes, shall be available in actions for child-support payments as in other cases.
- (4) The remedies of attachment and garnishment, as provided in Article 35 of Chapter 1 of the General Statutes, shall be available in an action for child-support payments as in other cases, and for such purposes the child or person bringing an action for child support shall be deemed a creditor of the defendant. Additionally, in accordance with the provisions of [G.S. 110-136](#), a continuing wage garnishment proceeding for wages due or to become due may be instituted by motion in the original child support proceeding or by independent action through the filing of a petition.
- (5) The remedy of injunction, as provided in Article 37 of Chapter 1 of the General Statutes and [G.S. 1A-1, Rule 65](#), shall be available in actions for child support as in other cases.
- (6) Receivers, as provided in Article 38 of Chapter 1 of the General Statutes, may be appointed in action for child support as in other cases.
- (7) A minor child or other person for whose benefit an order for the payment of child support has been entered shall be a creditor within the meaning of Article 3A of Chapter 39 of the General Statutes pertaining to fraudulent conveyances.
- (8) Except as provided in Article 15 of Chapter 44 of the General Statutes, a judgment for child support shall not be a lien against real property unless the judgment expressly so provides, sets out the amount of the lien in a sum certain, and adequately describes the real property affected; but past due periodic payments may by motion in the cause or by a separate action be reduced to judgment which shall be a lien as other judgments and may include provisions for periodic payments.
- (9) An order for the periodic payments of child support or a child support judgment that provides for periodic payments is enforceable by proceedings for civil contempt, and disobedience may be punished by proceedings for criminal contempt, as provided in Chapter 5A of the General Statutes.

Notwithstanding the provisions of [G.S. 1-294](#), an order for the payment of child support which has been appealed to the appellate division is enforceable in the trial court by proceedings for civil contempt during the pendency of the appeal. Upon motion of an aggrieved party, the court of the appellate division in which the appeal is pending may stay any order for civil contempt entered for child support until the appeal is decided, if justice requires.
- (10) The remedies provided by Chapter 1 of the General Statutes, Article 28, Execution; Article 29B, Execution Sales; and Article 31, Supplemental Proceedings, shall be available for the enforcement of judgments for child support as in other cases, but amounts so payable shall not constitute a debt as to which property is exempt from execution as provided in Article 16 of Chapter 1C of the General Statutes.
- (11) The specific enumeration of remedies in this section shall not constitute a bar to remedies otherwise available.

(g) An individual who brings an action or motion in the cause for the support of a minor child, and the individual who defends the action, shall provide to the clerk of the court in which the action is brought or the order is issued, the individual's social security number.

(h) Child support orders initially entered or modified on and after October 1, 1998, shall contain the name of each of the parties, the date of birth of each party, and the court docket number. The Administrative Office of the Courts shall transmit to the Department of Health and Human Services, Child Support Enforcement Program, on a timely basis, the information required to be included on orders under this subsection and the social security number of each party as required under subsection (g) of this section.

Credits

Added by Laws 1967, c. 1153, § 2. Amended by Laws 1969, c. 895, § 17; Laws 1975, c. 814; Laws 1977, c. 711, § 26; Laws 1979, c. 386, § 10; Laws 1981, c. 472; Laws 1981, c. 613, §§ 1, 3; Laws 1983, c. 54; Laws 1983, c. 530, § 1; Laws 1985, c. 689, § 17; Laws 1985 (Reg. Sess., 1986), c. 1016; Laws 1989, c. 529, §§ 1, 2; [Laws 1989 \(Reg. Sess., 1990\), c. 1067, § 2](#); [Laws 1993, c. 335, § 1, eff. Oct. 1, 1993](#); [Laws 1993, c. 517, § 5, eff. Jan. 1, 1994](#); [Laws 1995, c. 319, § 9, eff. Oct. 1, 1995](#); [Laws 1995, c. 518, § 1, eff. Oct. 1, 1995](#); [S.L. 1997-433, §§ 2.1\(a\), 2.2, 4.4, 7.1, eff. Oct. 1, 1997](#); [S.L. 1997-443, §§ 11A.118\(a\), 11A.122, eff. Aug. 28, 1997](#); [S.L. 1998-17, § 1, eff. June 30, 1998](#); [S.L. 1998-176, § 1, eff. Jan. 1, 1999](#); [S.L. 1999-293, §§ 3, 4, eff. Oct. 1, 1999](#); [S.L. 1999-456, § 13, eff. Aug. 13, 1999](#); [S.L. 2001-237, § 1, eff. June 23, 2001](#); [S.L. 2003-288, § 1, eff. July 4, 2003](#); [S.L. 2008-12, § 1, eff. Oct. 1, 2008](#); [S.L. 2012-20, § 2, eff. Oct. 1, 2012](#).

[Notes of Decisions \(716\)](#)

N.C.G.S.A. § 50-13.4, NC ST § 50-13.4

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Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.5

§ 50-13.5. Procedure in actions for custody or support of minor children

Currentness

(a) Procedure. -- The procedure in actions for custody and support of minor children shall be as in civil actions, except as provided in this section and in [G.S. 50-19](#). In this G.S. 50-13.5 the words “custody and support” shall be deemed to include custody or support, or both.

(b) Type of Action. -- An action brought under the provisions of this section may be maintained as follows:

(1) As a civil action.

(2) Repealed by Laws 1979, c. 110, § 12.

(3) Joined with an action for annulment, or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(4) As a cross action in an action for annulment, or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(5) By motion in the cause in an action for annulment, or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(6) Upon the court's own motion in an action for annulment, or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(7) In any of the foregoing the judge may issue an order requiring that the body of the minor child be brought before him.

(c) Jurisdiction in Actions or Proceedings for Child Support and Child Custody. --

(1) The jurisdiction of the courts of this State to enter orders providing for the support of a minor child shall be as in actions or proceedings for the payment of money or the transfer of property.

(2) The courts of this State shall have jurisdiction to enter orders providing for the custody of a minor child under the provisions of [G.S. 50A-201](#), [50A-202](#), and [50A-204](#).

(3) to (6) Repealed by Laws 1979, c. 110, § 12.

(d) Service of Process; Notice; Interlocutory Orders. --

(1) Service of process in civil actions for the custody of minor children shall be as in other civil actions. Motions for support of a minor child in a pending action may be made on 10 days notice to the other parties and compliance with [G.S. 50-13.5\(e\)](#). Motions for custody of a minor child in a pending action may be made on 10 days notice to the other parties and after compliance with [G.S. 50A-205](#).

(2) If the circumstances of the case render it appropriate, upon gaining jurisdiction of the minor child the court may enter orders for the temporary custody and support of the child, pending the service of process or notice as herein provided.

(3) A temporary order for custody which changes the living arrangements of a child or changes custody shall not be entered ex parte and prior to service of process or notice, unless the court finds that the child is exposed to a substantial risk of bodily injury or sexual abuse or that there is a substantial risk that the child may be abducted or removed from the State of North Carolina for the purpose of evading the jurisdiction of North Carolina courts.

(e) Notice to Additional Persons in Support Actions and Proceedings; Intervention. --

(1) The parents of the minor child whose addresses are reasonably ascertainable; any person, agency, organization or institution having actual care, control, or custody of a minor child; and any person, agency, organization or institution required by court order to provide for the support of a minor child, either in whole or in part, not named as parties and served with process in an action or proceeding for the support of such child, shall be given notice by the party raising the issue of support.

(2) The notice herein required shall be in the manner provided by the Rules of Civil Procedure for the service of notices in actions. Such notice shall advise the person to be notified of the name of the child, the names of the parties to the action or proceeding, the court in which the action or proceeding was instituted, and the date thereof.

(3) In the discretion of the court, failure of such service of notice shall not affect the validity of any order or judgment entered in such action or proceeding.

(4) Any person required to be given notice as herein provided may intervene in an action or proceeding for support of a minor child by filing in apt time notice of appearance or other appropriate pleadings.

(f) Venue. -- An action or proceeding in the courts of this State for custody and support of a minor child may be maintained in the county where the child resides or is physically present or in a county where a parent resides, except as hereinafter provided. If an action for annulment, for divorce, either absolute or from bed and board, or for alimony without divorce has been previously

instituted in this State, until there has been a final judgment in such case, any action or proceeding for custody and support of the minor children of the marriage shall be joined with such action or be by motion in the cause in such action. If an action or proceeding for the custody and support of a minor child has been instituted and an action for annulment or for divorce, either absolute or from bed and board, or for alimony without divorce is subsequently instituted in the same or another county, the court having jurisdiction of the prior action or proceeding may, in its discretion direct that the action or proceeding for custody and support of a minor child be consolidated with such subsequent action, and in the event consolidation is ordered, shall determine in which court such consolidated action or proceeding shall be heard.

(g) Custody and Support Irrespective of Parents' Rights Inter Partes. -- Orders for custody and support of minor children may be entered when the matter is before the court as provided by this section, irrespective of the rights of the wife and the husband as between themselves in an action for annulment or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(h) Court Having Jurisdiction. -- When a district court having jurisdiction of the matter shall have been established, actions or proceedings for custody and support of minor children shall be heard without a jury by the judge of such district court, and may be heard at any time.

(i) District Court; Denial of Parental Visitation Right; Written Finding of Fact. -- In any case in which an award of child custody is made in a district court, the trial judge, prior to denying a parent the right of reasonable visitation, shall make a written finding of fact that the parent being denied visitation rights is an unfit person to visit the child or that such visitation rights are not in the best interest of the child.

(j) Custody and Visitation Rights of Grandparents. -- In any action in which the custody of a minor child has been determined, upon a motion in the cause and a showing of changed circumstances pursuant to [G.S. 50-13.7](#), the grandparents of the child are entitled to such custody or visitation rights as the court, in its discretion, deems appropriate. As used in this subsection, "grandparent" includes a biological grandparent of a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and where parental rights of both biological parents have been terminated, be entitled to visitation rights.

Credits

Added by Laws 1967, c. 1153, § 2. Amended by Laws 1971, c. 1185, § 24; Laws 1973, c. 751; Laws 1979, c. 110, § 12; Laws 1979, c. 563; Laws 1979, c. 709, § 3; Laws 1981, c. 735, § 3; Laws 1983, c. 587; Laws 1985, c. 575, § 4; Laws 1987 (Reg. Sess., 1988), c. 893, § 3.1; [S.L. 1999-223, §§ 11, 12, eff. Oct. 1, 1999](#).

[Notes of Decisions \(189\)](#)

N.C.G.S.A. § 50-13.5, NC ST § 50-13.5

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.6

§ 50-13.6. Counsel fees in actions for custody and support of minor children

Currentness

In an action or proceeding for the custody or support, or both, of a minor child, including a motion in the cause for the modification or revocation of an existing order for custody or support, or both, the court may in its discretion order payment of reasonable attorney's fees to an interested party acting in good faith who has insufficient means to defray the expense of the suit. Before ordering payment of a fee in a support action, the court must find as a fact that the party ordered to furnish support has refused to provide support which is adequate under the circumstances existing at the time of the institution of the action or proceeding; provided however, should the court find as a fact that the supporting party has initiated a frivolous action or proceeding the court may order payment of reasonable attorney's fees to an interested party as deemed appropriate under the circumstances.

Credits

Added by Laws 1967, c. 1153, § 2. Amended by Laws 1973, c. 323.

Notes of Decisions (216)

N.C.G.S.A. § 50-13.6, NC ST § 50-13.6

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.7

§ 50-13.7. Modification of order for child support or custody

Effective: October 1, 2007

[Currentness](#)

(a) Except as otherwise provided in [G.S. 50-13.7A](#), an order of a court of this State for support of a minor child may be modified or vacated at any time, upon motion in the cause and a showing of changed circumstances by either party or anyone interested subject to the limitations of [G.S. 50-13.10](#). Subject to the provisions of [G.S. 50A-201](#), [50A-202](#), and [50A-204](#), an order of a court of this State for custody of a minor child may be modified or vacated at any time, upon motion in the cause and a showing of changed circumstances by either party or anyone interested.

(b) When an order for support of a minor child has been entered by a court of another state, a court of this State may, upon gaining jurisdiction, and upon a showing of changed circumstances, enter a new order for support which modifies or supersedes such order for support, subject to the limitations of [G.S. 50-13.10](#). Subject to the provisions of [G.S. 50A-201](#), [50A-202](#), and [50A-204](#), when an order for custody of a minor child has been entered by a court of another state, a court of this State may, upon gaining jurisdiction, and a showing of changed circumstances, enter a new order for custody which modifies or supersedes such order for custody.

Credits

Added by Laws 1967, c. 1153, § 2. Amended by Laws 1979, c. 110, § 13; Laws 1981, c. 682, § 12; Laws 1987, c. 739, § 3; [S.L. 1999-223, § 13, eff. Oct. 1, 1999](#); [S.L. 2007-175, § 1, eff. Oct. 1, 2007](#).

[Notes of Decisions \(657\)](#)

N.C.G.S.A. § 50-13.7, NC ST § 50-13.7

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.7A

§ 50-13.7A. Custody and visitation upon military temporary duty, deployment, or mobilization

Effective: October 1, 2007

[Currentness](#)

(a) Purpose. -- It is the purpose of this section to provide a means by which to facilitate a fair, efficient, and swift process to resolve matters regarding custody and visitation when a parent receives temporary duty, deployment, or mobilization orders from the military.

(b) Definitions. -- As used in this section:

(1) The term “deployment” means the temporary transfer of a service member serving in an active-duty status to another location in support of combat or some other military operation.

(2) The term “mobilization” means the call-up of a National Guard or Reserve service member to extended active duty status. For purposes of this definition, “mobilization” does not include National Guard or Reserve annual training.

(3) The term “temporary duty” means the transfer of a service member from one military base to a different location, usually another base, for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

(c) Custody. -- When a parent who has custody, or has joint custody with primary physical custody, receives temporary duty, deployment, or mobilization orders from the military that involve moving a substantial distance from the parent's residence or otherwise have a material effect on the parent's ability to exercise custody responsibilities:

(1) Any temporary custody order for the child during the parent's absence shall end no later than 10 days after the parent returns, but shall not impair the discretion of the court to conduct a hearing for emergency custody upon return of the parent and within 10 days of the filing of a verified motion for emergency custody alleging an immediate danger of irreparable harm to the child; and

(2) The temporary duty, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer custody from the service member.

(d) Visitation. -- If the parent with visitation rights receives military temporary duty, deployment, or mobilization orders that involve moving a substantial distance from the parent's residence or otherwise have a material effect on the parent's ability to exercise visitation rights, the court may delegate the parent's visitation rights, or a portion thereof, to a family member with

a close and substantial relationship to the minor child for the duration of the parent's absence, if delegating visitation rights is in the child's best interest.

(e) Expedited Hearings. -- Upon motion of a parent who has received military temporary duty, deployment, or mobilization orders, the court shall, for good cause shown, hold an expedited hearing in custody and visitation matters instituted under this section when the military duties of the parent have a material effect on the parent's ability, or anticipated ability, to appear in person at a regularly scheduled hearing.

(f) Electronic Communications. -- Upon motion of a parent who has received military temporary duty, deployment, or mobilization orders, the court shall, upon reasonable advance notice and for good cause shown, allow the parent to present testimony and evidence by electronic means in custody and visitation matters instituted under this section when the military duties of the parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing. The phrase "electronic means" includes communication by telephone, video teleconference, or the Internet.

(g) [Best Interest of the Child. --] Nothing in this section shall alter the duty of the court to consider the best interest of the child in deciding custody or visitation matters.

Credits

Added by [S.L. 2007-175, § 2, eff. Oct. 1, 2007](#).

Editors' Notes

REPEAL

<This section is repealed by [S.L. 2013-27, § 2, eff. Oct. 1, 2013](#). >

N.C.G.S.A. § 50-13.7A, NC ST § 50-13.7A

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.8

§ 50-13.8. Custody of persons incapable of self-support upon reaching majority

[Currentness](#)

For the purposes of custody, the rights of a person who is mentally or physically incapable of self-support upon reaching his majority shall be the same as a minor child for so long as he remains mentally or physically incapable of self-support.

Credits

Added by Laws 1967, c. 1153, § 2. Amended by Laws 1971, c. 218, § 3; Laws 1973, c. 476, § 133; Laws 1979, c. 838, § 29; Laws 1989, c. 210.

[Notes of Decisions \(12\)](#)

N.C.G.S.A. § 50-13.8, NC ST § 50-13.8

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.9

§ 50-13.9. Procedure to insure payment of child support

Effective: January 1, 2007

[Currentness](#)

(a) Upon its own motion or upon motion of either party, the court may order at any time that support payments be made to the State Child Support Collection and Disbursement Unit for remittance to the party entitled to receive the payments. For child support orders initially entered on or after January 1, 1994, the immediate income withholding provisions of [G.S. 110-136.5\(c1\)](#) apply.

(b) After entry of an order by the court under subsection (a) of this section, the State Child Support Collection and Disbursement Unit shall transmit child support payments that are made to it to the custodial parent or other party entitled to receive them, unless a court order requires otherwise.

(b1) In a IV-D case:

(1) The designated child support enforcement agency shall have the sole responsibility and authority for monitoring the obligor's compliance with all child support orders in the case and for initiating any enforcement procedures that it considers appropriate.

(2) The clerk of court shall maintain all official records in the case.

(3) The designated child support enforcement agency shall maintain any other records needed to monitor the obligor's compliance with or to enforce the child support orders in the case, including records showing the amount of each payment of child support received from or on behalf of the obligor, along with the dates on which each payment was received. In any action establishing, enforcing, or modifying a child support order, the payment records maintained by the designated child support agency shall be admissible evidence, and the court shall permit the designated representative to authenticate those records.

(b2) In a non-IV-D case:

(1) Repealed by [S.L. 2005-389, § 1, eff. Jan. 1, 2007](#).

(2) The clerk of court shall maintain all official records and all case data concerning child support matters previously enforced by the clerk of court.

(3) Repealed by [S.L. 2005-389, § 1, eff. Jan. 1, 2007](#).

(c) In a IV-D case, the parties affected by the order shall inform the designated child support enforcement agency of any change of address or other condition that may affect the administration of the order. The court may provide in the order that a party failing to inform the court or, as appropriate, the designated child support enforcement agency, of a change of address within a reasonable period of time may be held in civil contempt.

(d) Upon affidavit of an obligee, the clerk or a district court judge may order the obligor to appear and show cause why the obligor should not be subjected to income withholding or adjudged in contempt of court, or both. The order shall require the obligor to appear and show cause why the obligor should not be subjected to income withholding or adjudged in contempt of court, or both, and shall order the obligor to bring to the hearing records and information relating to the obligor's employment, the obligor's licensing privileges, and the amount and sources of the obligor's disposable income. The order shall state:

(1) That the obligor is under a court order to provide child support, the name of each child for whose benefit support is due, and information sufficient to identify the order;

(2) That the obligor is delinquent and the amount of overdue support;

(2a) That the court may order the revocation of some or all of the obligor's licensing privileges if the obligor is delinquent in an amount equal to the support due for one month;

(3) That the court may order income withholding if the obligor is delinquent in an amount equal to the support due for one month;

(4) That income withholding, if implemented, will apply to the obligor's current payors and all subsequent payors and will be continued until terminated pursuant to [G.S. 110-136.10](#);

(5) That failure to bring to the hearing records and information relating to his employment and the amount and sources of his disposable income will be grounds for contempt;

(6) That if income withholding is not an available or appropriate remedy, the court may determine whether the obligor is in contempt or whether any other enforcement remedy is appropriate.

The order may be signed by the clerk or a district court judge, and shall be served on the obligor pursuant to [G.S. 1A-1, Rule 4](#), Rules of Civil Procedure. On motion of the person to whom support is owed in a non-IV-D case, with the approval of the district court judge, if the district court judge finds it is in the best interest of the child, no order shall be issued.

(e), (f) Repealed by [S.L. 2005-389, § 1, eff. Jan. 1, 2007](#).

(g) Nothing in this section shall preclude the independent initiation by a party of proceedings for civil contempt or for income withholding.

Credits

Added by Laws 1983, c. 677, § 1. Amended by Laws 1985 (Reg. Sess., 1986), c. 949, §§ 3 to 6; Laws 1989, c. 479; [Laws 1993, c. 517, § 6, eff. Jan. 1, 1994](#); [Laws 1993, c. 553, § 67.1](#); [Laws 1995, c. 444, § 1, eff. July 1, 1996](#); [Laws 1995, c. 538, § 1.2, eff. July 1, 1996](#); [S.L. 1997-443, § 11A.118\(a\), eff. July 1, 1997](#); [S.L. 1999-293, §§ 11 to 14, eff. Oct. 1, 1999](#); [S.L. 2001-237, § 7, eff. June 23, 2001](#); [S.L. 2005-389, § 1, eff. Jan. 1, 2007](#).

[Notes of Decisions \(1\)](#)

N.C.G.S.A. § 50-13.9, NC ST § 50-13.9

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.10

§ 50-13.10. Past due child support vested; not subject to retroactive modification; entitled to full faith and credit

Currentness

(a) Each past due child support payment is vested when it accrues and may not thereafter be vacated, reduced, or otherwise modified in any way for any reason, in this State or any other state, except that a child support obligation may be modified as otherwise provided by law, and a vested past due payment is to that extent subject to divestment, if, but only if, a written motion is filed, and due notice is given to all parties either:

(1) Before the payment is due or

(2) If the moving party is precluded by physical disability, mental incapacity, indigency, misrepresentation of another party, or other compelling reason from filing a motion before the payment is due, then promptly after the moving party is no longer so precluded.

(b) A past due child support payment which is vested pursuant to G.S. 50-13.10(a) is entitled, as a judgment, to full faith and credit in this State and any other state, with the full force, effect, and attributes of a judgment of this State, except that no arrearage shall be entered on the judgment docket of the clerk of superior court or become a lien on real estate, nor shall execution issue thereon, except as provided in [G.S. 50-13.4\(f\)\(8\)](#) and [\(10\)](#).

(c) As used in this section, "child support payment" includes all payments required by court or administrative order in civil actions and expedited process proceedings under this Chapter, by court order in proceedings under Chapter 49 of the General Statutes, and by agreements entered into and approved by the court under [G.S. 110-132](#) or [G.S. 110-133](#).

(d) For purposes of this section, a child support payment or the relevant portion thereof, is not past due, and no arrearage accrues:

(1) From and after the date of the death of the minor child for whose support the payment, or relevant portion, is made;

(2) From and after the date of the death of the supporting party;

(3) During any period when the child is living with the supporting party pursuant to a valid court order or to an express or implied written or oral agreement transferring primary custody to the supporting party;

(4) During any period when the supporting party is incarcerated, is not on work release, and has no resources with which to make the payment.

(e) When a child support payment that is to be made to the State Child Support Collection and Disbursement Unit is not received by the Unit when due, the payment is not a past due child support payment for purposes of this section, and no arrearage accrues, if the payment is actually made to and received on time by the party entitled to receive it and that receipt is evidenced by a canceled check, money order, or contemporaneously executed and dated written receipt. Nothing in this section shall affect the duties of the clerks or the IV-D agency under this Chapter or Chapter 110 of the General Statutes with respect to payments not received by the Unit on time, but the court, in any action to enforce such a payment, may enter an order directing the clerk or the IV-D agency to enter the payment on the clerk's or IV-D agency's records as having been made on time, if the court finds that the payment was in fact received by the party entitled to receive it as provided in this subsection.

Credits

Added by Laws 1987, c. 739, § 4. Amended by [S.L. 1999-293, § 15](#), eff. Oct. 1, 1999.

[Notes of Decisions \(25\)](#)

N.C.G.S.A. § 50-13.10, NC ST § 50-13.10

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.11

§ 50-13.11. Orders and agreements regarding medical support and health insurance coverage for minor children

Currentness

- (a) The court may order a parent of a minor child or other responsible party to provide medical support for the child, or the parties may enter into a written agreement regarding medical support for the child. An order or agreement for medical support for the child may require one or both parties to pay the medical, hospital, dental, or other health care related expenses.
- (a1) The court shall order the parent of a minor child or other responsible party to maintain health insurance for the benefit of the child when health insurance is available at a reasonable cost. If health insurance is not presently available at a reasonable cost, the court shall order the parent of a minor child or other responsible party to maintain health insurance for the benefit of the child when health insurance becomes available at a reasonable cost. As used in this subsection, health insurance is considered reasonable in cost if it is employment related or other group health insurance, regardless of service delivery mechanism. The court may require one or both parties to maintain dental insurance.
- (b) The party ordered or under agreement to provide health insurance shall provide written notice of any change in the applicable insurance coverage to the other party.
- (c) The employer or insurer of the party required to provide health, hospital, and dental insurance shall release to the other party, upon written request, any information on a minor child's insurance coverage that the employer or insurer may release to the party required to provide health, hospital, and dental insurance.
- (d) When a court order or agreement for health insurance is in effect, the signature of either party shall be valid authorization to the insurer to process an insurance claim on behalf of a minor child.
- (e) If the party who is required to provide health insurance fails to maintain the insurance coverage for the minor child, the party shall be liable for any health, hospital, or dental expenses incurred from the date of the court order or agreement that would have been covered by insurance if it had been in force.
- (f) When a noncustodial parent ordered to provide health insurance changes employment and health insurance coverage is available through the new employer, the obligee shall notify the new employer of the noncustodial parent's obligation to provide health insurance for the child. Upon receipt of notice from the obligee, the new employer shall enroll the child in the employer's health insurance plan.

Credits

Added by Laws 1989 (Reg. Sess., 1990), c. 1067, § 1. Amended by Laws 1991, c. 419, § 2; Laws 1991, c. 761, § 42; S.L. 1997-433, § 3.1, eff. Oct. 1, 1997; S.L. 1998-17, § 1, eff. June 30, 1998; S.L. 2003-288, § 3.2, eff. July 1, 2003.

[Notes of Decisions \(8\)](#)

N.C.G.S.A. § 50-13.11, NC ST § 50-13.11

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.12

§ 50-13.12. Forfeiture of licensing privileges for failure to pay child support or for failure to comply with subpoena issued pursuant to child support or paternity establishment proceedings

Currentness

(a) As used in this section, the term:

- (1) "Licensing board" means a department, division, agency, officer, board, or other unit of state government that issues hunting, fishing, trapping, drivers, or occupational licenses or licensing privileges.
- (2) "Licensing privilege" means the privilege of an individual to be authorized to engage in an activity as evidenced by hunting, fishing, or trapping licenses, regular and commercial drivers licenses, and occupational, professional, and business licenses.
- (3) "Obligee" means the individual or agency to whom a duty of support is owed or the individual's legal representative.
- (4) "Obligor" means the individual who owes a duty to make child support payments under a court order.
- (5) "Occupational license" means a license, certificate, permit, registration, or any other authorization issued by a licensing board that allows an obligor to engage in an occupation or profession.

(b) Upon a finding by the district court judge that the obligor is willfully delinquent in child support payments equal to at least one month's child support, or upon a finding that a person has willfully failed to comply with a subpoena issued pursuant to a child support or paternity establishment proceeding, and upon findings as to any specific licensing privileges held by the obligor or held by the person subject to the subpoena, the court may revoke some or all of such privileges until the obligor shall have paid the delinquent amount in full, or, as applicable, until the person subject to the subpoena has complied with the subpoena. The court may stay any such revocation pertaining to the obligor upon conditions requiring the obligor to make full payment of the delinquency over time. Any such stay shall further be conditioned upon the obligor's maintenance of current child support. The court may stay the revocation pertaining to the person subject to the subpoena upon a finding that the person has complied with or is no longer subject to the subpoena. Upon an order revoking such privileges of an obligor that does not stay the revocation, the clerk of superior court shall notify the appropriate licensing board that the obligor is delinquent in child support payments and that the obligor's licensing privileges are revoked until such time as the licensing board receives proof of certification by the clerk that the obligor is no longer delinquent in child support payments. Upon an order revoking such privileges of a person subject to the subpoena that does not stay the revocation, the clerk of superior court shall notify the appropriate licensing board that the person has failed to comply with the subpoena issued pursuant to a child support or paternity establishment proceeding and that the person's licensing privileges are revoked until such time as the licensing board receives proof of certification by the clerk that the person is in compliance with or no longer subject to the subpoena.

(c) An obligor may file a request with the clerk of superior court for certification that the obligor is no longer delinquent in child support payments upon submission of proof satisfactory to the clerk that the obligor has paid the delinquent amount in full. A person whose licensing privileges have been revoked under subsection (b) of this section because of a willful failure to comply with a subpoena may file a request with the clerk of superior court for certification that the person has met the requirements of or is no longer subject to the subpoena. The clerk shall provide a form to be used for a request for certification. If the clerk finds that the obligor has met the requirements for reinstatement under this subsection, then the clerk shall certify that the obligor is no longer delinquent and shall provide a copy of the certification to the obligor. Upon request of the obligor, the clerk shall mail a copy of the certification to the appropriate licensing board. If the clerk finds that the person whose licensing privileges have been revoked under subsection (b) of this section for failure to comply with a subpoena has complied with or is no longer subject to the subpoena, then the clerk shall certify that the person has met the requirements of or is no longer subject to the subpoena and shall provide a copy of the certification to the person. Upon request of the person, the clerk shall mail a copy of the certification to the appropriate licensing board.

(d) If licensing privileges are revoked under this section, the obligor may petition the district court for a reinstatement of such privileges. The court may order the privileges reinstated conditioned upon full payment of the delinquency over time. Any order allowing license reinstatement shall additionally require the obligor's maintenance of current child support. If the licensing privileges of a person other than the obligor are revoked under this section for failure to comply with a subpoena, the person may petition the district court for reinstatement of the privileges. The court may order the privileges reinstated if the person has complied with or is no longer subject to the subpoena that was the basis for revocation. Upon reinstatement under this subsection, the clerk of superior court shall certify that the obligor is no longer delinquent and provide a copy of the certification to the obligor. Upon request of the obligor, the clerk shall mail a copy of the certification to the appropriate licensing board. Upon reinstatement of the person whose licensing privileges were revoked based on failure to comply with a subpoena, the clerk of superior court shall certify that the person has complied with or is no longer subject to the subpoena. Upon request of the person whose licensing privileges are reinstated, the clerk shall mail a copy of the certification to the appropriate licensing board.

(e) An obligor or other person whose licensing privileges are reinstated under this section may provide a copy of the certification set forth in either subsection (c) or (d) to each licensing agency to which the obligor or other person applies for reinstatement of licensing privileges. Upon request of the obligor or other person, the clerk shall mail a copy of the certification to the appropriate licensing board. Upon receipt of a copy of the certification, the licensing board shall reinstate the license.

(f) Upon receipt of notification by the clerk that an obligor's or other person's licensing privileges are revoked pursuant to this section, the board shall note the revocation on its records and take all necessary steps to implement and enforce the revocation. These steps shall not include the board's independent revocation process pursuant to Chapter 150B of the General Statutes, the Administrative Procedure Act, which process is replaced by the court process prescribed by this section. The revocation pertaining to an obligor shall remain in full force and effect until the board receives certification under this section that the obligor is no longer delinquent in child support payments. The revocation pertaining to the person whose licensing privileges were revoked on the basis of failure to comply with a subpoena shall remain in full force and effect until the board receives certification of reinstatement under subsection (d) of this section.

Credits

Added by [Laws 1995, c. 538, § 1, eff. July 1, 1996](#). Amended by [Laws 1995, c. 538, § 1.1, eff. Dec. 1, 1996](#); [S.L. 1997-433, § 5.3, eff. Oct. 1, 1997](#); [S.L. 1998-17, § 1, eff. June 30, 1998](#).

N.C.G.S.A. § 50-13.12, NC ST § 50-13.12

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 1. Divorce, Alimony, and Child Support, Generally

N.C.G.S.A. § 50-13.13

§ 50-13.13. Motion or claim for relief from child support order based on finding of nonpaternity

Effective: January 1, 2012

[Currentness](#)

(a) Notwithstanding [G.S. 1A-1, Rule 60](#) of the North Carolina Rules of Civil Procedure, or any other provision of law, an individual who, as the father of a child, is required to pay child support under an order that was entered by a North Carolina court pursuant to Chapter 49, 50, 52C, or 110 of the General Statutes, or under an agreement between the parties pursuant to [G.S. 52-10.1](#) or otherwise, and that is subject to modification by a North Carolina court under applicable law may file a motion or claim seeking relief from a child support order as provided in this section.

(b) A motion or claim for relief under this section shall be filed as a motion or claim in the cause in the pending child support action, or as an independent civil action, and shall be filed within one year of the date the moving party knew or reasonably should have known that he was not the father of the child. The motion or claim shall be verified by the moving party and shall state all of the following:

- (1) The basis, with particularity, on which the moving party believes that he is not the child's father.
- (2) The moving party has not acknowledged paternity of the child or acknowledged paternity without knowing that he was not the child's biological father.
- (3) The moving party has not adopted the child, has not legitimated the child pursuant to [G.S. 49-10, 49-12, or 49-12.1](#), or is not the child's legal father pursuant to [G.S. 49A-1](#).
- (4) The moving party did not act to prevent the child's biological father from asserting his paternal rights regarding the child.

(c) The court may appoint a guardian ad litem pursuant to [G.S. 1A-1, Rule 17](#), to represent the interest of the child in connection with a proceeding under this section.

(d) Notwithstanding [G.S. 8-50.1\(b1\)](#), the court shall, upon motion or claim of a party in a proceeding under this section, order the moving party, the child's mother, and the child to submit to genetic paternity testing if the court finds that there is good cause to believe that the moving party is not the child's father and that the moving party may be entitled to relief under this section. If genetic paternity testing is ordered, the provisions of [G.S. 8-50.1\(b1\)](#) shall govern the admissibility and weight of the genetic test results. The moving party shall pay the costs of genetic testing. If a party fails to comply with an order for genetic testing without good cause, the court may hold the party in civil or criminal contempt or impose appropriate sanctions under [G.S. 1A-1, Rule 37](#), of the North Carolina Rules of Civil Procedure, or both. Nothing in this subsection shall be construed to require additional genetic paternity testing if paternity has been set aside pursuant to [G.S. 49-14](#) or [G.S. 110-132](#).

(e) The moving party's child support obligation shall be suspended while the motion or claim is pending before the court if the support is being paid on behalf of the child to the State, or any other assignee of child support, where the child is in the custody of the State or other assignee, or where the moving party is an obligor in a IV-D case as defined in [G.S. 110-129\(7\)](#).

The moving party's child support obligation shall not be suspended while the motion or claim is pending before the court if the support is being paid to the mother of the child.

(f) The court may grant relief from a child support order under this section if paternity has been set aside pursuant to [G.S. 49-14](#) or [G.S. 110-132](#), or if the moving party proves by clear and convincing evidence, and the court, sitting without a jury, finds both of the following:

- (1) The results of a valid genetic test establish that the moving party is not the child's biological father.
- (2) The moving party either (i) has not acknowledged paternity of the child or (ii) acknowledged paternity without knowing that he was not the child's biological father. For purposes of this section, "acknowledging paternity" means that the moving party has done any of the following:
 - a. Publicly acknowledged the child as his own and supported the child while married to the child's mother.
 - b. Acknowledged paternity in a sworn written statement, including an affidavit of parentage executed under [G.S. 110-132\(a\)](#) or [G.S. 130A-101\(f\)](#).
 - c. Executed a consent order, a voluntary support agreement under [G.S. 110-132](#) or [G.S. 110-133](#), or any other legal agreement to pay child support as the child's father.
 - d. Admitted paternity in open court or in any pleading.

(g) If the court determines that the moving party has not satisfied the requirements of this section, the court shall deny the motion or claim, and all orders regarding the child's paternity, support, or custody shall remain enforceable and in effect until modified as otherwise provided by law. If the court finds that the moving party did not act in good faith in filing a motion or claim pursuant to this section, the court shall award reasonable attorneys' fees to the prevailing party. The court shall make findings of fact and conclusions of law to support its award of attorneys' fees under this subsection.

(h) If the court determines that the moving party has satisfied the requirements of this section, the court shall enter an order, including written findings of fact and conclusions of law, terminating the moving party's child support obligation regarding the child. The court may tax as costs to the mother of the child the expenses of genetic testing.

Any unpaid support due prior to the filing of the motion or claim is due and owing. If the court finds that the mother of the child used fraud, duress, or misrepresentation, resulting in the belief on the part of the moving party that he was the father of the child, the court may order the mother of the child to reimburse any child support amounts paid and received by the mother after the filing of the motion or claim. The moving party has no right to reimbursement of past child support paid on behalf of

the child to the State, or any other assignee of child support, where the child is in the custody of the State or other assignee, or where the moving party is an obligor in a IV-D case as defined in [G.S. 110-129\(7\)](#).

If the child was born in North Carolina and the moving party is named as the father on the child's birth certificate, the court shall order the clerk of superior court to notify the State Registrar of the court's order pursuant to [G.S. 130A-118\(b\)\(2\)](#). If relief is granted under this subsection, a party may, to the extent otherwise provided by law, apply for modification of or relief from any judgment or order involving the moving party's paternity of the child.

(i) Any servicemember who is deployed on military orders, and is subject to the protections of the Servicemembers Civil Relief Act, shall have the period for filing a motion pursuant to subsection (b) of this section tolled during the servicemember's deployment. If the period remaining allowed for the filing of the motion following the servicemember's redeployment is less than 30 days, then the servicemember shall have 30 days for filing the motion.

Credits

Added by [S.L. 2011-328, § 3](#), eff. Jan. 1, 2012.

N.C.G.S.A. § 50-13.13, NC ST § 50-13.13

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony
Article 5. Parenting Coordinator

N.C.G.S.A. Ch. 50, Art. 5, Refs & Annos
[Currentness](#)

N.C.G.S.A. Ch. 50, Art. 5, Refs & Annos, NC ST Ch. 50, Art. 5, Refs & Annos

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-90

§ 50-90. Definitions

Currentness

As used in this Article, the following terms mean:

- (1) High-conflict case. -- A child custody action involving minor children brought under Article 1 of this Chapter where the parties demonstrate an ongoing pattern of any of the following:
 - a. Excessive litigation.
 - b. Anger and distrust.
 - c. Verbal abuse.
 - d. Physical aggression or threats of physical aggression.
 - e. Difficulty communicating about and cooperating in the care of the minor children.
 - f. Conditions that in the discretion of the court warrant the appointment of a parenting coordinator.
- (2) Minor child. -- A person who is less than 18 years of age and who is not married or legally emancipated.
- (3) Parenting coordinator. -- An impartial person who meets the qualifications of [G.S. 50-93](#).

Credits

Added by [S.L. 2005-228, § 1](#), eff. Oct. 1, 2005.

[Notes of Decisions \(1\)](#)

N.C.G.S.A. § 50-90, NC ST § 50-90

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-91

§ 50-91. Appointment of parenting coordinator

Currentness

(a) The court may appoint a parenting coordinator at any time during the proceedings of a child custody action involving minor children brought under Article 1 of this Chapter if all parties consent to the appointment. The parties may agree to limit the parenting coordinator's decision-making authority to specific issues or areas.

(b) The court may appoint a parenting coordinator without the consent of the parties upon entry of a custody order other than an ex parte order, or upon entry of a parenting plan only if the court also makes specific findings that the action is a high-conflict case, that the appointment of the parenting coordinator is in the best interests of any minor child in the case, and that the parties are able to pay for the cost of the parenting coordinator.

(c) The order appointing a parenting coordinator shall specify the issues the parenting coordinator is directed to assist the parties in resolving and deciding. The order may also incorporate any agreement regarding the role of the parenting coordinator made by the parties under subsection (a) of this section. The court shall give a copy of the appointment order to the parties prior to the appointment conference. Notwithstanding the appointment of a parenting coordinator, the court shall retain exclusive jurisdiction to determine fundamental issues of custody, visitation, and support, and the authority to exercise management and control of the case.

(d) The court shall select a parenting coordinator from a list maintained by the district court. Prior to the appointment conference, the court must complete and give to the parenting coordinator a referral form listing contact information for the parties and their attorneys, the court's findings in support of the appointment, and any agreement by the parties.

Credits

Added by S.L. 2005-228, § 1, eff. Oct. 1, 2005.

Notes of Decisions (2)

N.C.G.S.A. § 50-91, NC ST § 50-91

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-92

§ 50-92. Authority of parenting coordinator

Currentness

(a) The authority of a parenting coordinator shall be specified in the court order appointing the parenting coordinator and shall be limited to matters that will aid the parties:

- (1) Identify disputed issues.
- (2) Reduce misunderstandings.
- (3) Clarify priorities.
- (4) Explore possibilities for compromise.
- (5) Develop methods of collaboration in parenting.
- (6) Comply with the court's order of custody, visitation, or guardianship.

(b) Notwithstanding subsection (a) of this section, the court may authorize a parenting coordinator to decide issues regarding the implementation of the parenting plan that are not specifically governed by the court order and which the parties are unable to resolve. The parties must comply with the parenting coordinator's decision until the court reviews the decision. The parenting coordinator, any party, or the attorney for any party may request an expedited hearing to review a parenting coordinator's decision. Only the judge presiding over the case may subpoena the parenting coordinator to appear and testify at the hearing.

(c) The parenting coordinator shall not provide any professional services or counseling to either parent or any of the minor children. The parenting coordinator shall refer financial issues to the parties' attorneys.

Credits

Added by [S.L. 2005-228, § 1, eff. Oct. 1, 2005](#).

N.C.G.S.A. § 50-92, NC ST § 50-92

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-93

§ 50-93. Qualifications

Currentness

(a) To be eligible to be included on the district court's list of parenting coordinators, a person must meet all of the following requirements:

(1) Hold a masters or doctorate degree in psychology, law, social work, counseling, medicine, or a related subject area.

(2) Have at least five years of related professional post-degree experience.

(3) Hold a current license in the parenting coordinator's area of practice, if applicable.

(4) Participate in 24 hours of training in topics related to the developmental stages of children, the dynamics of high-conflict families, the stages and effects of divorce, problem solving techniques, mediation, and legal issues.

(b) In order to remain eligible as a parenting coordinator, the person must also attend parenting coordinator seminars that provide continuing education, group discussion, and peer review and support.

Credits

Added by [S.L. 2005-228, § 1, eff. Oct. 1, 2005](#).

N.C.G.S.A. § 50-93, NC ST § 50-93

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-94

§ 50-94. Appointment conference

Currentness

- (a) The parties, their attorneys, and the proposed parenting coordinator must all attend the appointment conference.
- (b) At the time of the appointment conference, the court shall do all of the following:
- (1) Explain to the parties the parenting coordinator's role, authority, and responsibilities as specified in the appointment order and any agreement entered into by the parties.
 - (2) Determine the information each party must provide to the parenting coordinator.
 - (3) Determine financial arrangements for the parenting coordinator's fee to be paid by each party and authorize the parenting coordinator to charge any party separately for individual contacts made necessary by that party's behavior.
 - (4) Inform the parties, their attorneys, and the parenting coordinator of the rules regarding communications among them and with the court.
 - (5) Enter the appointment order.
- (c) The parenting coordinator and any guardians ad litem shall bring to the appointment conference all necessary releases, contracts, and consents. The parenting coordinator must also schedule the first sessions with the parties.

Credits

Added by [S.L. 2005-228, § 1](#), eff. Oct. 1, 2005.

N.C.G.S.A. § 50-94, NC ST § 50-94

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-95

§ 50-95. Fees

Currentness

(a) The parenting coordinator shall be entitled to reasonable compensation from the parties for services rendered and to a reasonable retainer. The parenting coordinator may request a hearing in the event of a fee dispute.

(b) The court may make the appointment of a parenting coordinator contingent upon the parties' payment of a specific fee to the parenting coordinator. The parenting coordinator shall not begin any duties until the fee has been paid.

Credits

Added by [S.L. 2005-228, § 1](#), eff. Oct. 1, 2005.

N.C.G.S.A. § 50-95, NC ST § 50-95

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-96

§ 50-96. Meetings and communications

[Currentness](#)

Meetings between the parenting coordinator and the parties may be informal and ex parte. Communications between the parties and the parenting coordinator are not confidential. The parenting coordinator and the court shall not engage in any ex parte communications.

Credits

Added by [S.L. 2005-228, § 1](#), eff. Oct. 1, 2005.

N.C.G.S.A. § 50-96, NC ST § 50-96

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-97

§ 50-97. Reports

Currentness

(a) The parenting coordinator shall promptly provide written notification to the court, the parties, and attorneys for the parties if the parenting coordinator makes any of the following determinations:

(1) The existing custody order is not in the best interests of the child.

(2) The parenting coordinator is not qualified to address or resolve certain issues in the case.

(b) The court shall schedule a hearing and review the matter no later than two weeks following receipt of the report. The parenting coordinator shall remain involved in the case until the hearing.

(c) If the parties agree to any fundamental change in the child custody order, the parenting coordinator shall send the agreement to the parties' attorneys for preparation of a consent order.

Credits

Added by [S.L. 2005-228, § 1, eff. Oct. 1, 2005](#).

N.C.G.S.A. § 50-97, NC ST § 50-97

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-98

§ 50-98. Parenting coordinator records

Currentness

(a) The parenting coordinator shall provide the following to the attorneys for the parties and to the parties:

(1) A written summary of the developments in the case following each meeting with the parties.

(2) Copies of any other written communications.

(b) The parenting coordinator shall maintain records of each meeting. These records may only be subpoenaed by order of the judge presiding over the case. The court must review the records in camera and may release the records to the parties and their attorneys only if the court determines release of the information contained in the records will assist the parties with the presentation of their case at trial.

Credits

Added by [S.L. 2005-228, § 1, eff. Oct. 1, 2005](#).

N.C.G.S.A. § 50-98, NC ST § 50-98

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West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-99

§ 50-99. Modification or termination of parenting coordinator appointment

Currentness

(a) For good cause shown, the court may terminate or modify the parenting coordinator appointment upon motion of either party at the request of the parenting coordinator, upon the agreement of the parties and the parenting coordinator, or by the court on its own motion. Good cause includes any of the following:

- (1) Lack of reasonable progress over a significant period of time despite the best efforts of the parties and the parenting coordinator.
- (2) A determination that the parties no longer need the assistance of a parenting coordinator.
- (3) Impairment on the part of a party that significantly interferes with the party's participation in the process.
- (4) The parenting coordinator is unable or unwilling to continue to serve.

(b) If the parties agreed to the appointment of the parenting coordinator under [G.S. 50-91\(a\)](#), the court may terminate or modify the appointment according to that agreement or according to a subsequent agreement by the parties.

Credits

Added by [S.L. 2005-228, § 1, eff. Oct. 1, 2005](#).

N.C.G.S.A. § 50-99, NC ST § 50-99

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.

West's North Carolina General Statutes Annotated
Chapter 50. Divorce and Alimony (Refs & Annos)
Article 5. Parenting Coordinator (Refs & Annos)

N.C.G.S.A. § 50-100

§ 50-100. Parenting coordinator immunity

[Currentness](#)

A parenting coordinator shall not be liable for damages for acts or omissions of ordinary negligence arising out of that person's duties and responsibilities as a parenting coordinator. This section does not apply to actions arising out of the operation of a motor vehicle.

Credits

Added by [S.L. 2005-228, § 1](#), eff. Oct. 1, 2005.

N.C.G.S.A. § 50-100, NC ST § 50-100

The statutes and Constitution are current through S.L. 2013-128, 130-144 of the 2013 Regular Session of the General Assembly.